

## COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

**Editor's Note and Disclaimer:** County Notices published in the *Register* do not conform to the standards of the *Arizona Rulemaking Manual*. The following Notice is reproduced as submitted and imported into the publishing software used by the Office of the Secretary of State. No editing was performed on this Notice. Please consult the county for alternative formats of this Notice.

### NOTICE OF PROPOSED RULEMAKING

#### Pinal County Air Quality Control District

P. O. Box 987  
Florence, Arizona 85232  
(520) 866-6929 Fax: (520) 866-6754

PINAL COUNTY

COMBINED  
NOTICE OF PROPOSED RULE MAKING  
PURSUANT TO A.R.S. §§49-112 AND 49-471.01 *et seq.*  
AND  
NOTICE OF ORAL PROCEEDING  
PURSUANT TO A.R.S. §49-471.06

#### 1. Preamble

- A. The District proposes that the Board of Supervisors adopt or amend certain rules under authority of A.R.S. §§49-479 and 49-480, which respectively authorize the board to adopt rules to control air pollution and to adopt a stationary source permit program. Affected rules are identified, and corresponding changes discussed in subsection D. of this preamble, and include the following sections:

Section Affected	Rulemaking Action
§1-1-105	Amend
§1-1-107	Amend
§1-2-100	Amend
§1-2-140	Amend
§1-3-140	Amend
§3-1-030	Amend
§3-1-040	Amend
§3-1-050	Amend
§3-1-084	Amend
§3-1-087	Amend
§3-1-102	Amend
§3-1-103	Amend
§3-5-490	Amend
§3-7-580	Amend
§3-7-590	Amend
§3-7-600	Amend
§3-7-610	Amend
§3-7-800	Amend
§3-7-810	Amend
§4-2-040	Amend
§4-2-050	Amend

§4-3-060	Amend
§4-3-070	Amend
§4-3-080	Amend
§4-3-090	Amend
§8-1-060	Amend
Appendix B	Amend

- B. Those wishing further information regarding any aspect of this proposal may contact Donald P. Gabrielson, Director, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 520-866-6929. To the extent possible, the District will also post information on the County's website, [www.co.pinal.az.us](http://www.co.pinal.az.us), under the "air quality" link.
- C. The rule making process will consist of an initial administrative rule development process, including this notice, a 30 day public comment period, and an oral proceeding before the Control Officer or his designee. The date and location for the oral proceeding are set forth below. Written comments are due prior to the close of the comment period, which shall be the close-of-business on the day of the oral proceeding. The final step in the rule adoption process will be a hearing before the Board of Supervisors, which hearing will be separately scheduled and noticed in accord with A.R.S. §49-479, and, where applicable, the requirements of 40 C.F.R. §51.102. That hearing before the Board of Supervisors is tentatively scheduled for October 27, 2004.
- D. The proposed revisions include the following:

1. Open Burning Permit Revisions

§§3-7-800 and 3-7-810, the open burning permit rules, are extensively revised. A single substantive change simply requires that a burn permit application indicate what, if any, emission reduction techniques the applicant will employ. In addition, those two rules are reformatted to improve readability, correct grammatical errors and eliminate redundancies. Code §1-1-105 will also be amended to reflect that those rules, as revised by this proposal, are intended to constitute elements of the Arizona State Implementation Plan generally, and the Regional Haze SIP in particular. The proposed changes be effective upon approval, and effectiveness will not be conditioned upon a prior SIP-revision approval by the EPA.

2. Permit Rule/Permit Fee Revisions

a. Special Applicability Provision for Publicly Operated Wood Waste Incinerators

§3-1-040 is revised to designate as a Class III source a small wood-waste incinerator operated on a non-profit basis by a political subdivision of the State Arizona. Such a facility will still be obligated to comply with both local and federally adopted performance standards, and will be limited by permit to emissions not exceeding 90% of relevant major source thresholds. The principal benefit to the operator will be the reduced permit fee available to Class III sources, which will reduce the burden on affected sources.

b. Streamlining Definition of "Actual Emissions" for Fee Purposes

§3-7-590 and Appendix B, Section C.2, are revised to eliminate a redundant definition of "actual emissions" for emission fee purposes, as well as to conform the remaining definition to ADEQ's definition. See A.A.C. R18-2-326(C)(2).

3. Additional Changes to Conform to ADEQ Air Quality Rules

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

§1-3-140.89, defining non-precursor compounds that do not constitute volatile organic compounds, is revised to conform to A.A.C. R18-2-101.126 (Supp. 04-1). That change will reduce the regulatory burden on affected facilities.

§4-2-040, defining standards applicable to non-point sources of fugitive dust, are expanded to include subparagraphs J. and K., respectively addressed to off-road vehicle use and mineral tailings piles. Both changes conform to ADEQ's corresponding rules, A.A.C. R18-2-604(C) and R18-2-608. The changes are required to conform to the "at least as stringent" mandate of A.R.S. §49-479(A).

§4-2-050, defining the relevant opacity standard and monitoring method for non-point sources of fugitive dust, is revised to conform to ADEQ's corresponding rule, A.A.C. R18-2-612. Given that the County's existing rule contains limiting conditions not found in ADEQ's rule. The change is required in order to conform to the "at least as stringent" mandate of A.R.S. §49-479(A).

4. Class III Source Application Deposit

§3-7-580 is revised to require an application deposit when filing a Class III application.

5. EPA Requested Changes

§1-1-105 is revised to exclude as proposed SIP elements the whole of Chapter 3, Article 5, dealing with county-issuance and administration of ADEQ-issued general permits. This change was requested on May 26, 2004, by Emmanuelle Rapicavoli, Permits Section, Air Division, EPA Region IX.

6. Typographical, Grammatical and Clarifying Corrections

§1-1-105, defining which rules should comprise the locally adopted elements of the Arizona SIP, is revised to:

- Exclude §1-2-110, dealing with adopted documents, which the EPA has already rejected;
- Exclude §1-3-130, dealing with adopted documents, which the EPA has already rejected;
- Exclude §3-1-020, dealing with adopted documents, which the EPA has already rejected;
- Based on irrelevance, exclude §3-1-080, dealing with appeals to the hearing board;
- Expressly identify current revisions to §§3-7-800 and 3-7-810, regulating open burning, as proposed elements of the Arizona State Implementation Plan, including the Regional Haze SIP;
- Exclude §4-1-010, dealing with adopted documents, which the EPA has already rejected;

§1-1-107, defining which rules should comprise the local Title V program, is revised to:

- Correct the revision date for §2-5-160;
- Eliminate an incorrect revision date for §3-1-060;
- Delete §3-1-080, dealing with appeals to the hearing board, which EPA has previously indicated should not be a Title V program element;
- Delete §3-1-085, dealing with notices from Building Departments, which EPA has previously indicated should not be a Title V program element;
- Delete §3-1-100, dealing with posting of permits, which EPA has previously indicated should not be a Title V program element;
- Eliminate an incorrect revision date for §3-1-109;
- Add a correct revision date for §3-1-160;
- Add a correct revision date for §3-6-565
- Eliminate an incorrect revision date for §3-7-591;
- Delete §3-7-600, dealing with Class II, non-Title V, permit fees, as a proposed Title V program element;

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

- Delete §3-7-612, an already repealed rule dealing with general permit fees for Class II, non-Title V sources, as a proposed Title V program element;
- Based on irrelevance, delete §3-7-660, dealing with hearing board appeal fees, as a proposed Title V program element;
- Based on irrelevance, delete §§4-3-060 and 4-3-080, dealing with fugitive dust on construction sites, as proposed Title V program elements;
- Based on irrelevance, delete §5-31-2022, dealing with emission standards for lime manufacturing facilities, as a proposed Title V program element;
- Based on irrelevance, delete §6-1-030, locally adopting EPA-promulgated New Source Performance Standards, as a proposed Title V program element;
- Based on irrelevance, delete Appendix C, defining a fee schedule for open burning and earthmoving activity, as a proposed Title V program element.

§1-2-110.7 is revised to reflect the latest amendment date of the Arizona Administrative Code.

§1-3-140.58 is revised to reflect the change in nomenclature from Class A/B permits to Class I/II permits, as well as applicability to Class III permits.

§3-1-030.16 is revised to reflect the change in nomenclature from Class A/B permits to Class I/II permits.

§3-1-040.B.3.b, dealing with Class III permit applicability, is revised to correct a rule reference and a grammatical error.

§3-1-050 is revised to correct the paragraph numbering and the change in nomenclature from Class A/B permits to Class I/II permits.

§3-1-087 is revised to reflect the change in nomenclature from Class A/B permits to Class I/II permits.

§3-1-102 is revised to reflect the change in nomenclature from Class A/B permits to Class I/II permits.

§3-1-103 is revised to reflect the change in nomenclature from Class A/B permits to Class I/II permits, and to allow Class III sources the same reporting requirement relaxation that Class II sources may receive.

§3-5-490.C.2 is revised to correct a grammatical error.

§3-7-590, dealing with Class I permit fees, is partially renumbered to establish internal consistency.

§3-7-600, dealing with Class II permit fees, is revised to correct cross references to Appendix B and §3-1-084, and to eliminate a now-irrelevant reference to inspection fees.

§3-7-610, dealing with general permit fees, is revised to correct a grammatical error.

§4-3-070, dealing with definitions for the construction site dust registration program, ratify the renumbering of §4-3-060.C as §4-3-070, eliminate redundant definitions, correct the definition of “earthmoving activity,” and corresponding renumber the section.

§4-3-080, dealing with dust registration requirements, ratify the renumbering of §4-3-060.D as §4-3-080, and correct a typographical error.

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

§4-3-090, dealing with dust registration requirements, correct a mis-spelling and correct and ratify the renumbering of §4-3-060.E as §4-3-090.

§8-1-060 is revised to address dates in the 21st century, rather than the 20th century.

Appendix B, Section E, dealing with Class II Non-Title V fees, is revised to provide reference links pertaining to small and medium spray operations.

Appendix B, Section F, dealing with Class III fees, is revised to clarify applicability to Class III fees, and to provide a cross-reference to relevant definitions and applicability rules pertaining to Class III sources.

E. There are no specific studies relied upon to justify the proposed changes.

F. Economic, small business and consumer impact statement

A significant portion of the proposed revisions are ministerial revisions of form rather than substantive in nature, adopted with the objective making these rules internally consistent and readily understandable. As such, the changes should reduce, rather than increase, burdens on affected businesses, consumers and county staff.

Given the “at least as stringent” mandate of A.R.S. §49-479, the District has not attempted to assess any added costs associated with the conforming changes discussed in 1.D.3 above.

Specific rules worthy of mention as reducing burdens include:

- Revision of §1-3-140.89 as discussed in 1.D.3 above, regarding the change in definition of non-precursor compound.
- Revision of §3-1-040 as discussed in 1.D.2.a above, allowing an additional source category to be regulated as a Class III rather than a Class II source. That will lower the permit cost for that source category.
- Clarification of §3-7-590 and Appendix B, as discussed in 1.D.2.b above, clarifying that certain fugitive emissions are not subject to emission fees, which will reduce fees for affected facilities.

G. In accord with A.R.S. §49-471.07(F), the proposed changes will take effect upon approval by the Board of Supervisors.

H. Compliance With the Fee-limitations of A.R.S. §49-112 (A) or (B).

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

1. Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable. To the extent the County's program affects certain sources that ADEQ either does not regulate or does not charge, these proposed changes do not impose any additional fees on those sources.
2. Based on a review of the operating costs of the Pinal County Air Quality Control District, and any reasonable

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

projection of total of revenues resulting from the fees and other charges that would be assessed under any or all of the rule revisions proposed above, the Control Officer finds that there is no real risk that revenues will exceed the cost of program administration. The continuing fee-cap, defined by ADEQ's fee rates, continues to implicitly assure the reasonableness of the County's fees for Class I and Class II sources. With respect to Class III sources, sources affected by a dust registration requirement, and open burning permit fees, the Control Officer finds that projected revenues from existing fees reflect a reasonably reflect the anticipated costs of administering those programs. Thus, implementation of any or all of the rule changes proposed above will still not violate the fee-limitations of either A.R.S. §§49-112(A)(3) or 49-112(B).

I. There have been no prior notices published in the Arizona Administrative Register pertaining to these changes.

**2. The full text of the proposed changes follows:**

**1-1-105. SIP list**

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1
  - a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
  - b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.
  - c. Article 3. (As amended 5/14/97 and 5/27/98, except for §1-3-130 and the definition in §1-3-140.81 (10/12/95) of "maximum achievable control technology.")
2. Chapter 2
  - a. Article 1. (As amended 10/12/95).
  - b. Article 2. (As amended 5/14/97).
  - c. Article 3. (As amended 10/12/95).
  - d. Article 4. (As amended 10/12/95).
  - e. Article 5. (As amended 10/12/95).
  - f. Article 6. (As amended 10/12/95).
  - g. Article 7. (As amended 10/12/95).
3. Chapter 3
  - a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
    - i. §3-1-020
    - ii. ~~§§3-1-045-(2/22/95)~~
    - iii. §3-1-080
    - iv. ~~§-and 3-1-100-(2/22/95)~~
  - b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
  - c. Article 3. (As amended 10/12/95).
  - d. ~~Article 5. (As amended 5/27/98).~~
  - e-d. Article 8. (As amended 10/12/95 and xx/xx/04).
4. Chapter 4
  - a. Article 1. (As amended 2/22/95), except for §4-1-010.
  - b. Article 2. (As amended 5/14/97 and 7/12/00).

B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:

1. "construction," as defined in Nov. '93 Code §1-3-140.28; or

2. "modification," as defined in Nov. '93 Code §1-3-140.84; and
- C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
  1. Operate as elements of the SIP insofar as they pertain to other than "conventional pollutants," as defined in §1-3-140.33;
  2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
    - a. §111 of the Clean Air Act; or
    - b. Title IV of the 1990 amendments to the Clean Air Act; or
    - c. Title VI of the 1990 amendments to the Clean Air Act; or
    - d. Any section of this Code that is not a part of the SIP;
  4. Operate as an element of the SIP, at least insofar as they impose a "fee";
  5. Operate as an element of the SIP, at least insofar as they require a "certification";
  6. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to "renewals";
  7. Operate as an element of the SIP, at least insofar as they impose requirements regarding "excess emissions"; or
  8. Operate as an element of the SIP, at least insofar as they impose requirements regarding "compliance plans."
- D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
  1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
  2. Chapter 2, Article 8 (As amended 5/14/97) *Visibility Limiting Standard*
  3. Chapter 3, Article 8 (2/22/95) *Open Burning*
  4. [Reserved]
  5. [Reserved]
  6. [Reserved]
  7. [Reserved]
  8. [Reserved]
  9. [Reserved]
  10. [Reserved]
  11. [Reserved]
  12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
  13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
  14. §5-21-920 (2/22/95) *Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*
  15. §5-21-930 (2/22/95 and 7/12/00) *Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*
  16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
  17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
  18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
  19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
  20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
  21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
  22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
  23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
  24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*

**1-1-107. Title V Program Content**

Those provisions approved by the EPA are shown in regular type; those provisions or amendments still awaiting EPA

*Arizona Administrative Register / Secretary of State*  
County Notices Pursuant to A.R.S. § 49-112

approval are shown in *italicized bold*.

* * *		
2-5-160.	Ambient air increment ceilings	Adopted June 29, 1993 Amended February 22, 1995 <i><b>Amended October 12, 1995</b></i>
* * *		
<del>3-1-045.</del>	<del>Transition from installation and operating permit program</del>	<del>Adopted November 3, 1993</del> <del>Amended February 22, 1995</del> <i><b>Amended May 30, 2001</b></i> <i><b>Amended August 13, 2003</b></i>
* * *		
<del>3-1-080.</del>	<del>Appeals to the Hearing Board</del>	<del>Adopted June 29, 1993</del> <del>Amended November 3, 1993</del> <del>Amended February 22, 1995</del>
* * *		
<del>3-1-085.</del>	<del>Notice by building permit agencies</del>	<del>Adopted November 3, 1993</del>
* * *		
<del>3-1-100.</del>	<del>Permit posting</del>	<del>Adopted June 29, 1993</del> <del>Amended November 3, 1993</del> <del>Amended February 22, 1995</del>
* * *		
<del>3-7-600.</del>	<del>Class II permit and inspection fees</del>	<del>Adopted November 3, 1993</del> <del>Amended February 22, 1995</del> <i><b>Amended October 12, 1995</b></i> <i><b>Amended June 20, 1996</b></i> <i><b>Amended August 13, 2003</b></i>
* * *		



*Arizona Administrative Register / Secretary of State*  
County Notices Pursuant to A.R.S. § 49-112

<del>3-7-612.</del>	<del>General permit fees – Class II sources</del>	<del>Adopted – February 22, 1995</del> <del>Amended – October 12, 1995</del> <del>Amended June 20, 1996</del> <del>Amended August 13, 2003</del>
* * *		
<del>3-7-660.</del>	<del>Hearing Board appeal fee</del>	<del>Adopted – November 3, 1993</del> <del>Amended – February 22, 1995</del>
<del>4-3-060</del>	<del>Emissions from Existing and New Non-Point Sources, Article 3. Construction Sites – Fugitive Dust</del>	<del>Adopted – December 13, 2000</del> <del>Amended – December 4, 2002</del>
<del>4-3-080</del>	<del>Registration Requirements</del>	<del>Amended – December 3, 2003</del>
<del>5-31-2022</del>	<del>Lime Manufacturing Facilities – Performance Standards</del>	<del>Amended May 30, 2001</del>
<del>6-1-030</del>	<del>Performance Standards</del>	<del>Adopted/amended December 3, 2003</del>
* * *		
<del>Appendix C</del>	<del>Appendix C. Controlled Open Burning and Earthmoving Fee Schedule</del>	<del>Amended – December 13, 2000</del> <del>Amended August 13, 2003</del>

**1-2-110. Adopted document(s)**

The following documents are incorporated herein by reference:

1. The Arizona Department of Environmental Quality's "Arizona Testing Manual for Air Pollutant Emissions", amended as of March 1992.
2. All ASTM test methods referenced in this Code are those adopted as of the date specified.
3. All parts of the C.F.R. referenced in this Code, unless otherwise indicated, as amended as of July 1, 1998.
4. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987".
5. The following test methods and protocols as adopted by the EPA Administrator, but, unless otherwise specifically designated in a particular provision of this Code, as amended as of July 1, 1998:
  - a. 40 CFR Part 51, Appendix M.
  - b. 40 CFR Part 58, all appendixes.
  - c. 40 CFR Part 60, all appendixes.
  - d. 40 CFR Part 61, all appendixes.
  - e. 40 CFR Part 63, all appendixes.
  - f. 40 CFR Part 75, all appendixes.
6. All sections of the Arizona Administrative Code expressly incorporated elsewhere in this Code, and unless expressly designated otherwise, as amended as of September 30, 1999;
7. The following appendixes to Arizona Administrative Code, Title 18, Chapter 2, as amended as of ~~July 1,~~

~~1996~~September 30, 1999:

- a. Appendix 9 - Monitoring Requirements.
- b. Appendix 10 - Evaluation of Air Quality Data.

**1-3-140. Definitions**

Definitions used in this Code shall have the following meanings except where any narrative portion specifically indicates otherwise:

\* \* \*

58. **FEDERAL APPLICABLE REQUIREMENT** - Any of the following as they apply to emissions units covered by a Class ~~A-I, II~~ or ~~B-III~~ permit (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):
- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Clean Air Act (1990) that implements the relevant requirements of the Clean Air Act (1990), including any revisions to that plan promulgated in 40 C.F.R. Part 52 (1992);
  - b. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including Parts C or D, of the Clean Air Act (1990);
  - c. Any standard or other requirement under §111 of the Clean Air Act (1990), including §111(d);
  - d. Any standard or other requirement under §112 of the Clean Air Act (1990), including any requirement concerning accident prevention under §112(r)(7) of the Clean Air Act (1990);
  - e. Any standard or other requirement of the acid rain program under Title IV of the Clean Air Act (1990) or the regulations promulgated thereunder and incorporated pursuant to §3-6-565;
  - f. Any requirements established pursuant to §504(b) or §114(a)(3) of the Clean Air Act (1990);
  - g. Any standard or other requirement governing solid waste incineration, under §129 of the Clean Air Act (1990);
  - h. Any standard or other requirement for consumer and commercial products, under §183(e) of the Clean Air Act (1990);
  - i. Any standard or other requirement for tank vessels under §183(f) of the Clean Air Act (1990);
  - j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under §328 of the Clean Air Act (1990);
  - k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Clean Air Act (1990), unless the Administrator has determined that such requirements need not be contained in a Title V permit; and
  - l. Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Clean Air Act (1990), but only as it would apply to temporary sources permitted pursuant to §504(e) of the Clean Air Act (1990).

\* \* \*

89. **NON-PRECURSOR ORGANIC COMPOUND** - Those organic compounds which have negligible photochemical reactivity, namely:
- a. Methane.
  - b. Ethane.
  - c. Methylene chloride (dichloromethane).
  - d. 1,1,1-trichloroethane (methyl chloroform).
  - e. 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113).
  - f. Trichlorofluoromethane (CFC-11).

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

- g. Dichlorodifluoromethane (CFC-12).
- h. Chlorodifluoromethane (CFC-22).
- i. Trifluoromethane (FC-23).
- j. 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114).
- k. Chloropentafluoroethane (CFC-115).
- l. 1,1,1-trifluoro-2,2--dichloroethane (HCFC-123).
- m. 1,1,1,2-tetrafluoroethane (HFC-134A).
- n. 1,1-dichloro-1-fluoroethane (HCFC-141B).
- o. 1-chloro-1,1-difluoroethane (HCFC-142B).
- p. 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
- q. Pentafluoroethane (HFC-125).
- r. 1,1,2,2-tetrafluoroethane (HFC-134)
- s. 1,1,1-trifluoroethane (HFC-143A).
- t. 1,1-difluoroethane (HFC-152A).
- ~~u.~~ ~~perfluorocarbon compounds which fall into these classes:~~
  - ~~i.~~ ~~Cyclic, branched, or linear, completely fluorinated alkanes;~~
  - ~~ii.~~ ~~Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;~~
  - ~~iii.~~ ~~Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and~~
  - ~~iv.~~ ~~Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.~~
- v. Volatile methyl siloxanes, also known as "VMS".
- ~~w.~~ ~~u.~~ Parachlorobenzotrifluoride, also known as "PCBTF".
- v. Cyclic, branched, or linear completely methylated siloxanes.
- ~~x.~~ ~~w.~~ Acetone.
- ~~y.~~ ~~x.~~ Perchloroethylene.
- y. 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC 225ca)
- z. 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC 225cb)
  - aa. 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 4310mee)
  - bb. Difluoromethane (HFC-32)
  - cc. Ethylfluoride (HFC-161)
  - dd. 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
  - ee. 1,1,2,2,3-pentafluoropropane (HFC-245ca)
  - ff. 1,1,2,3,3-pentafluoropropane (HFC-245ea)
  - gg. 1,1,1,2,3-pentafluoropropane (HFC-245eb)
  - hh. 1,1,1,3,3-pentafluoropropane (HFC-245fa)
  - ii. 1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
  - jj. 1,1,1,3,3-pentafluorobutane (HFC-365mfc)
  - kk. Chlorofluoromethane (HCFC-31)
  - ll. 1 chloro-1-fluoroethane (HCFC-151a)
  - mm. 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
  - nn. 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>)
  - oo. 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>)
  - pp. 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>)
  - qq. 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>)
  - rr. Methyl acetate; and
  - ss. perfluorocarbon compounds which fall into these classes:
    - i. Cyclic, branched, or linear, completely fluorinated alkanes;
    - ii. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
    - iii. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

- iv. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

\* \* \*

### **3-1-030. Definitions**

For the purpose of this chapter, the following definitions shall apply:

\* \* \*

16. PROPOSED FINAL PERMIT - The version of a Class ~~A-I~~ permit that the District proposes to issue and forwards to the Administrator for review in compliance with §3-1-065.A.

\* \* \*

### **3-1-040. Applicability and classes of permits**

- A. Except as otherwise provided in this chapter, no person shall commence construction of, operate, or make a modification to any source subject to regulation under this chapter, without first obtaining a permit or permit revision from the Control Officer.
- B. There shall be three classes of permits as follows:
1. Class I permits shall be required for persons proposing to commence construction of or operate any of the following sources:
    - a. Any major source.
    - b. Any source, including an area source, subject to a standard, limitation, or other requirement under §111 of the Clean Air Act (1990) that has been adopted as an element of this Code, provided that the obligation under this subparagraph does not extend to any source which has been exempted by the Administrator from a Title V permit requirement or for which the Administrator has allowed a deferral of a Title V permit requirement, but then only for the duration of the allowable deferral period.
    - c. Any source, including an area source, subject to a standard or other requirement under §112 of the Clean Air Act (1990) that has been adopted as an element of this Code, provided that the obligation under this subparagraph does not extend to any source which has been exempted by the Administrator from a Title V permit requirement or for which the Administrator has allowed a deferral of a Title V permit requirement, but then only for the duration of the allowable deferral period, and further provided that a source is not required to obtain a permit solely because it is subject to regulations or requirements under §112(r) of the Clean Air Act (1990).
    - d. An affected source.
    - e. Solid waste incineration units required to obtain a permit pursuant to §129(e) of the Clean Air Act (1990).
    - f. Any source in a source category designated by the Administrator and adopted by the Control Officer by rule.
  2. Unless a Class I permit is required, Class II permits shall be required for:
    - a. A person to commence construction of or operate any of the following:
      - i. Any source that has the potential to emit greater than *de minimis* amounts of regulated air pollutants.
      - ii. Any source, including an area source, subject to a standard, limitation, or other requirement under §111 of the Clean Air Act (1990).
      - iii. Any source, including an area source, subject to a standard or other requirement under §112 of the Clean Air Act (1990), further provided that a source is not required to obtain a permit solely because it is subject to regulations or requirements under §112(r) of the Clean Air Act (1990).
      - iv. Any source subject to a standard of performance under Chapter 5 of this Code.
      - v. Any source burning used oil, used oil fuel, hazardous waste or hazardous waste fuel.

- vi. Incinerators.
- vii. Fuel burning equipment, other than incinerators, fired with a fuel other than commercial natural gas or propane, and rated at more than 500,000 Btu per hour.
- viii. Fuel burning equipment fired with commercial natural gas or propane, and rated at more than 2,500,000 BTU per hour.
- b. A person to make a modification to a source which would cause it to emit, or have the potential to emit, quantities of regulated air pollutants greater than those specified in Paragraph a.i. of this subdivision, unless such modification is authorized by other provisions of this Code.
- 3. A Class III or “minor screening” permit shall be required for:
  - a. Facilities or sources that require a permit under Code §3-1-040, but which do not have an uncontrolled potential to emit that exceeds the significant emissions rates defined in §1-3-140.121.
  - b. Facilities or sources that have an uncontrolled potential to emit in excess of the “de minimis” amount of emissions as defined in ~~§3-1-140(37)~~ §1-3-140(37) but do not qualify for the requirements of a Class I or Class II permits as defined in §3-1-040.B (1) and (2).
- 4. Notwithstanding any other applicability provision of this rule, a political subdivision of the State of Arizona that operates a small municipal waste incinerator, that does not charge a fee for disposing of materials, that allows burning only clean wood and yard waste, that obtains an enforceable permit limiting emissions to not more than 90% of any relevant major source threshold, and that complies with all applicable standards under both Code Chapter 5 and Clean Air Act Sections 111 or 112, shall be entitled to elect fee-treatment as a Class III source.
- C. Exemptions
  - 1. Unless the source is a major source, or unless operation without a permit would result in a violation of the Clean Air Act (1990), the provisions of this chapter shall not apply to the following sources:
    - a. Sources subject to 40 CFR Part 60, Subpart AAA, “Standards of Performance for New Residential Wood Heaters”.
    - b. Sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR §61.145.
    - c. Agricultural equipment used in normal farm operations. “Agricultural equipment used in normal farm operations” does not include equipment that would be classified as a source that would require a permit under Title V of the Clean Air Act (1990), or would be subject to a standard under 40 CFR Parts 60 or 61, or any other applicable requirement.
  - D. No person may construct or reconstruct any major source of hazardous air pollutants, unless the control officer determines that maximum achievable control technology limitation (MACT) for new sources under section 112 of the Act will be met. Where MACT has not been established by the Administrator, such determination shall be made on a case-by-case basis pursuant to 40 CFR §§63.40 through 63.44, as incorporated by reference in Code §7-1-030.B. For purposes of this subsection, constructing and reconstructing a major source shall have the meanings prescribed in 40 CFR §63.41.

### **3-1-050. Permit application requirements**

- A. Unless otherwise noted, this section applies to each source requiring a Class I or II permit or permit revision.
- B. To apply for a Class I permit, applicants shall complete the “Permit Application Form” and supply all information required by the “Filing Instructions” as shown in Appendix A.
- C. Unless otherwise required by §3-1-045, a timely application is:
  - 1. For a source, other than a major source, applying for a permit for the first time, one that is submitted within 12 months after the source becomes subject to the permit program.
  - 2. ~~For an existing source that is initially not required to obtain a Class A-I permit but becomes subject to Class A-I permit applicability criteria, one that is submitted within 12 months after the source becomes subject to obtaining a Class A-I permit.~~
  - 3. For purposes of a Class I permit renewal, a timely application is one that is submitted at least 6 months, but not greater than 18 months prior to the date of permit expiration.
  - 4. For purposes of a Class II permit renewal, a timely application is one that is submitted at least 3 months, but not

greater than 12 months prior to the date of permit expiration.

5. For initial Phase II acid rain permits required pursuant to §3-6-565, one that is submitted to the Control Officer by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.
- ~~5-[sic]6.~~ Any existing source which becomes subject to a standard promulgated by the Administrator pursuant to §112(d) of the Clean Air Act (1990) shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.
- D. If an applicable implementation plan allows the determination of an alternate emission limit, a source may, in its application, propose an emission limit that is equivalent to the emission limit otherwise applicable to the source under the applicable implementation plan. The source shall also demonstrate that the equivalent limit is quantifiable, accountable, enforceable and subject to replicable compliance determination procedures.
- E. Permit applications need not provide emissions data regarding insignificant activities. Activities which are insignificant pursuant to §1-3-140 need only be listed in Class I permit applications.
- F. If a permit applicant requests terms and conditions allowing for the trading of emission increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emission cap that is established in the permit independent of otherwise applicable requirements, the permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable.
- G. A source that has submitted information with a Class I permit application under a claim of confidentiality pursuant to A.R.S. §49-487 (1992) and §3-1-120 of this Code shall submit a copy of such claim and such information directly to the Administrator.
- H. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a proposed permit.

### **3-1-087. Permit reopenings, reissuance and termination**

- A. Reopening for Cause
  1. Each issued permit shall include provisions specifying the conditions under which the permit shall be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
    - a. Additional applicable requirements under the Clean Air Act (1990) become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to §3-1-089.C. Any permit revision required pursuant to this section shall comply with provisions in §3-1-089 for permit renewal and shall reset the permit term.
    - b. Additional requirements, including excess emissions requirements, become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Class ~~A-I~~ permit.
    - c. The Control Officer or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
    - d. The Control Officer or the Administrator determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.
  2. Proceedings to reopen and issue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.
  3. Reopenings under Subdivision A.1. of this section shall not be initiated before a notice of such intent is provided to the source by the Control Officer at least 30 days in advance of the date that the permit is to be reopened, except that the Control Officer may provide a shorter time period in the case of an emergency.
  4. When a permit is reopened and revised pursuant to this section, the Control Officer may make appropriate revisions to the permit shield established pursuant to §3-1-102.
- B. Within 10 days of receipt of notice from the Administrator that cause exists to reopen a Class ~~A-I~~ permit, the Control

Officer shall notify the source. The source shall have 30 days to respond. Within 90 days of receipt of notice from the Administrator that cause exists to reopen a permit, the Control Officer shall forward to the Administrator and the source a proposed determination of termination, revision, revocation or reissuance of the permit. Within 90 days of an EPA objection to the Control Officer's proposal, the Control Officer shall resolve the objection and act on the permit.

**3-1-102. Permit shields**

- A. Each Class ~~A-I~~ or B-II permit issued under this chapter shall specifically identify all federal, State, and local air pollution control requirements applicable to the source at the time the permit is issued. The permit shall state that compliance with the conditions of the permit shall be deemed compliance with any applicable requirement as of the date of permit issuance, provided that such applicable requirements are included and expressly identified in the permit. The Control Officer may include in a permit determinations that other requirements specifically identified are not applicable. Any permit under this chapter that does not expressly state that a permit shield exists shall not provide such a shield.
- B. Nothing in this section or in any permit shall alter or affect the following:
  - 1. The provisions of §303 of the Clean Air Act (1990) (emergency orders), including the authority of the Administrator under that section.
  - 2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance.
  - 3. The applicable requirements of the acid rain program, consistent with §408(a) of the Clean Air Act (1990).
  - 4. The ability of the Administrator or the Control Officer to obtain information from a source pursuant to §114 of the Clean Air Act (1990), or any provision of state law.
  - 5. The authority of the Control Officer to require compliance with new applicable requirements adopted after the permit is issued.
- C. In addition to the provisions of §3-1-087, a permit may be reopened by the Control Officer and the permit shield revised when it is determined that standards or conditions in the permit are based on incorrect information provided by the applicant.

**3-1-103. Annual emissions inventory questionnaire**

- A. Every source subject to a permit requirement under this chapter, or who obtains an authorization to operate under this chapter, shall complete and submit to the Control Officer an annual emissions inventory questionnaire. The questionnaire is due by March 31 or ninety days after the Control Officer makes the inventory form available, whichever occurs later, and shall include emission information for the previous calendar year. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.
- B. The questionnaire shall be on a form provided by the Control Officer and shall include the following information:
  - 1. The source's name, description, mailing address, contact person and contact person phone number, and physical address and location, if different than the mailing address.
  - 2. Process information for the source, including design capacity, operations schedule, and emissions control devices, their description and efficiencies.
  - 3. The actual annual quantity of emissions, including documentation of the method of measurement, calculation or estimation, of:
    - a. Any single regulated air pollutant in a quantity greater than one ton.
    - b. Any combination of regulated air pollutants in a quantity greater than 2½ tons.
- C. The Control Officer may waive a requirement that specific information or data be submitted in the annual emissions inventory questionnaire for sources requiring Class ~~B-II~~ or Class III permits if the Control Officer determines that the submission or data would be unnecessary or unreasonable for a particular source or category of sources and instead may require alternative information from which emissions may be determined.

**3-5-490. Application for coverage under general permit**

- A. Any source within the jurisdiction of the District, which source is a member of the class of facilities covered by a general permit issued by the ADEQ Director, may apply to the Control Officer for authority to operate under such general permit.

Applicants shall complete and submit the specific application form adopted by the ADEQ Director in conjunction with the issuance of the general permit, or if none has been adopted, the standard application form contained in Appendix A. to this Code. Any application shall, at a minimum, include the following:

1. Information identifying and describing the source, its processes and operating conditions in sufficient detail to allow the Control Officer to determine qualification for coverage under, and to assure compliance with, the general permit.
  2. A compliance plan that meets the requirements of §3-1-083.
- B. For sources required to obtain a permit under Title V of the Clean Air Act (1990), the Control Officer shall provide the Administrator with a permit application summary form and any relevant portion of the permit application and compliance plan. To the extent possible, this information shall be provided in computer readable format compatible with the Administrator's national database management system.
- C. The Control Officer shall act on the application for coverage under the general permit as expeditiously as possible, but a final decision shall be reached within 180 days.
1. Subject to the requirements of §3-1-089.C, an existing source that has filed a timely and complete application seeking coverage under a general permit, either as a renewal of authorization under the general permit or as an alternative to renewing an individual permit shall continue to comply with the terms and conditions of the permit under which it is operating, even if that permit expires, until the Control Officer issues or denies the authorization to operate under the general permit. The authority to operate under this subsection shall terminate 180 days after the application is filed if the Control Officer is unable to reach a timely final decision on the application due to the applicant's failure to submit information required or requested to process the application.
  2. If the application from an existing source seeking coverage as an alternative to renewing an individual permit is denied, the source shall continue to comply with the terms and conditions of its individual source permit. The source shall apply for an individual permit within 180 days of receipt of notification from the Control Officer that coverage under the general permit has been denied. Provided that a timely and complete ~~complete~~ individual permit application is filed in accordance with §§3-1-050 and 3-1-055, prior to the expiration of the source's current individual permit and within 180 days of receipt of notification that it must apply for an individual permit, the source shall retain authority to continue operations. The Control Officer may defer acting on an application under this subsection if the ADEQ Director has provided notice of intent to renew or not renew the permit.

### **3-7-580. Application filing deposit fee for new sources**

A deposit fee for processing a Class I ~~or~~ Class II or Class III permit application shall be assessed upon receipt of the application. The fee shall be not less than \$500.00 and shall not exceed \$4000.00 for new sources required to obtain a Class I permit pursuant to §3-1-040.B.1. For new sources required to obtain a Class II permit pursuant to §3-1-040.B.2., the fee shall be not less than \$100.00 and shall not exceed \$500.00. For a Class III application, the filing deposit for a new source shall be \$100.00. The application filing deposit fee shall be based on the estimated time to process the application of a Class I or Class II permit and shall be credited ~~to against the permit processing fee, reflecting~~ the amount due for the total actual time spent on processing the application. For a Class III source, the deposit shall be credited against the initial administrative fee. All application filing deposit fees required by this section shall be nonrefundable.

### **3-7-590. Class I permit fees**

- A. For a billable permit action, Class I sources shall pay a permit processing fee as defined in Appendix B, Section B. For a significant revision, the maximum permit processing fee shall be \$25,000. For a minor permit revision, the maximum permit processing fee shall be \$10,000.
- B. Beginning on the anniversary date of the initial permit issuance, Class I sources shall annually pay an administrative fee and an emission-based fee as defined in Appendix B, Section C. For fee purposes, actual emissions shall be quantified on the basis of subsection C of this rule.
- C. For purposes of this rule:
- a. Actual ~~actual~~ emissions means the actual quantity of regulated pollutants emitted, including fugitive emissions, over the calendar year ending immediately prior to the date on which the annual fee is calculated, or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:
    1. Emissions quantities reported pursuant to §3-1-103, or pursuant to an emissions inventory required prior to the



*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

effective date of §3-1-103, shall be used for purposes of calculating the permit fee to the extent they are calculated in a manner consistent with this paragraph. Acceptable methods for calculating actual emissions pursuant to §3-1-103 include the following:

- a. Emissions estimates calculated from continuous emissions monitors certified pursuant to 40 C.F.R. Part 75, Subpart C and referenced appendices, as published in the Federal Register on January 11, 1993 which is incorporated herein by reference, and is on file with the District, or data quality assured pursuant to Appendix F of 40 C.F.R. Part 60.
  - b. Emissions estimates calculated from source performance test data.
  - c. Emissions estimates calculated from material balance using engineering knowledge of process.
  - d. Emissions estimates calculated using AP-42 emissions factors.
  - e. Emissions estimates calculated by equivalent methods approved by the Control Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable method in Subparagraphs a. through d. of this paragraph.
2. Actual emissions shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.
3. The first annual permit fee for new Class I sources that have not been required to report emission quantities pursuant to §3-1-103 shall be based on the emissions estimate listed in the permit application.
- ~~b.~~ 4. For purposes of this section, regulated pollutants consist of the following:
- ~~1.~~ a. Nitrogen oxides or any volatile organic compounds.
  - ~~2.~~ b. Conventional air pollutants, except carbon monoxide.
  - ~~3.~~ c. Any pollutant that is subject to any standard promulgated under §111 of the Clean Air Act (1990), including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur and reduced sulfur compounds.
  - ~~4.~~ d. Any federally listed hazardous air pollutant that is subject to a standard promulgated by the Administrator under §112 of the Clean Air Act (1990) or other requirement established under §112 of the Clean Air Act (1990), including §§112(g) and (j) of the Clean Air Act (1990). Federally listed hazardous air pollutants subject to requirements established under §112 of the Clean Air Act (1990) include the following:
    - ~~a.i.~~ Any pollutant subject to requirements under §112(j) of the Clean Air Act (1990). If the Administrator fails to promulgate a standard by the date established pursuant to §112(e) of the Clean Air Act (1990), any pollutant for which a source would be considered major under §112(a)(1) of the Clean Air Act (1990) shall be considered to be regulated on the date eighteen months after the applicable date established pursuant to §112(e) of the Clean Air Act (1990).
    - ~~b.ii.~~ Any pollutant for which the requirements of §112(g)(2) of the Clean Air Act (1990) have been met, but only with respect to the individual source subject to §112(g)(2) requirements.
- ~~e.~~ 5. The following emissions of regulated pollutants shall be excluded from a source's actual emissions for purposes of setting fees:
- ~~1.~~ a. Emissions of a regulated pollutant from the source in excess of 4,000 tons per year.
  - ~~2.~~ b. Emissions of any regulated pollutant that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM<sub>10</sub>.
  - ~~3.~~ c. Emissions from insignificant activities excluded from the permit for the source pursuant to §3-1-050.E.
    - d. Fugitive emissions of PM<sub>10</sub> from activities other than crushing, belt transfers, screening or stacking.
    - e. Fugitive emissions of VOC from solution-extraction units.
- D. Each Class I source applying for a permit revision pursuant to §§3-2-190 or 3-2-195 shall remit to the District at the time the request or application is submitted, a fee deposit as follows:
1. \$10,000.00 for a significant permit revision that is a result of a major modification.
  2. \$1000.00 for any other significant permit revision not covered in Subsection 1 above.
  3. \$500.00 for a minor permit revision.
- E. Notwithstanding any other provision of this section, the combination of fees payable annually to the District by a Class I source, shall not exceed 100% of the administrative fees, annual emissions fees, annual inspection fees, or annual test

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

fees, for which the source would be liable if subject to regulation by ADEQ.

**3-7-600. Class II permit ~~and inspection~~ fees**

- A. For a billable permit action, Class II sources shall pay a permit processing fee as defined in Appendix B, Section B. The maximum permit processing fee shall not exceed \$25,000, and for a minor permit revision, the maximum permit processing fee shall not exceed \$10,000.
- B. Beginning on the anniversary date of initial permit issuance, and annually thereafter, Class II sources shall pay an administrative fee as defined in Appendix B, Sections ~~C, D,~~ and E.
1. Class II Title V sources shall pay an administrative fee as defined in Appendix B, Section ~~C D.~~ Class II Title V sources shall include those sources that do require a permit but do not require a Class I permit, and are actually regulated under a standard promulgated under §§111 or 112 of the CAA.
  2. Other Class II sources, also known as Class II Non-Title V sources, shall pay an administrative fee as defined in Appendix B, ~~Section D,~~ Section E.
  3. As provided in Appendix B, Section ~~C and~~ D, Class II “synthetic minor sources” shall pay an administrative fee as defined in Appendix B, Section ~~B C.~~ For purposes of this fee rule requirement, “synthetic minor sources” shall include only those source that have accepted voluntary permit limitations under ~~§2-1-084 §3-1-084,~~ and have permit-allowable emissions that exceed 50% of the major source threshold for at least one regulated pollutant.
- C. Notwithstanding any other provision of this section, the total annual administrative fee for a Class II source shall not exceed 100% of the fees that would apply if the source was subject to regulation by ADEQ.

**3-7-610. General permit fees - Class I and Class II sources**

- A. Permit Processing Fee. The owner or operator of a source that falls subject to a county jurisdiction and applies for authority to operate under a general permit shall pay to the District \$500 with the submittal of the application. This fee applies to the owner or operator of any source who intends to continue operating under the authority of a general permit that has been proposed for renewal.
- B. Administrative Fee. The owner or operator of a source subject to county jurisdiction and having authority to operate under a general permit shall pay, ~~of~~ each calendar year, the applicable administrative fee from the table below, by March 31, or 60 days after the Control Officer mails the invoice, whichever is later.

General Permit Source Category	Administrative Fee
1. Class I Title V General Permits	Administrative Fee from Appendix B, Section C
2. Class II Title V Small Source	\$500.00
3. Other Class II Title V General Permits	Administrative fee of \$3,000.00
4. Class II Non-Title V Gasoline Service Station	\$500.00
5. Class II Non-Title V Crematories	\$1,000.00
6. Other Class II Non-Title V General Permits	\$2,000.00

**3-8-700. General provisions**

- A. ~~Applicability General Prohibition.~~

1. General Prohibition

Notwithstanding the provisions of any other rule in this Chapter, and subject to the exemptions set forth in this section, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire.

2. Conditional Statutory Exemptions

Provided a public officer, as defined in the subsections below, gives permission in writing for a fire, and immediately transmits a copy of such written permission to the Director of the Department of Environmental Quality and to the Control Officer, and further provided that the setting of any such fire shall be conducted in a manner and at such time as approved by the Control Officer, unless doing so would defeat the purpose of the exemption, the following fires

are exempt from this Article:

- a. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.
- b. Fires set by or permitted by the state entomologist or county agricultural agents of the county for the purpose of disease and pest prevention.
- c. Fires set by or permitted by the state or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

3. Other Statutory Exemptions

The following fires are exempt from regulation under this Article:

- a. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes or the branding of animals. For purposes of this exemption, a "recreational purpose" fire is an outdoor fire, which burns material other than household waste or prohibited materials, and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height.
- b. Fires set by or permitted by the federal government or any of its departments, agencies or agents.

4. Regulatory Exemptions

For the purposes of this rule and article, the following shall neither be regarded as nor deemed open burning:

- a. The subterranean detonation of explosives.
- b. The display of fireworks for recreational purposes or pyrotechnics for musical or cinematic/theatrical functions, provided any person detonating such fireworks or pyrotechnics has a permit approved by the Pinal County Board of Supervisors
- c. Fires for the ceremonial destruction of flags.

5. Default Emission Rate Assumption

Unless specifically authorized under the preceding definitions of permit-authorized fires, fires set for the disposal of materials shall be presumed to have a potential to emit greater than "de minimis amounts" of regulated air pollutants and shall require a stationary source permit as specified under §3-1-040.

B. Definitions.

"Agricultural Burning" means burning of vegetative materials related to the production and harvesting of crops and raising of animals for the purpose of marketing for a profit, or providing a livelihood, but not including the burning of household waste or prohibited materials. Burning may be conducted in fields, piles, ditch banks, fence rows, or canal laterals for purposes such as weed control, disease and pest prevention, or site preparation.

"Air curtain destructor" means an incineration device which operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs.

"Approved waste burner" means an incinerator constructed of fire resistant material with a top cover or screen, which is closed when in use having opening in the sides or top no greater than one inch in diameter.

"Class I Area" means any one of the Arizona mandatory Federal Class I Areas defined in A.R.S. §49-401.01.

"Control Officer" has the same meaning as in A.R.S. §49-471.

"Date of Issuance" the actual date that the open burning application is signed by the Control Officer or his/her representative.

"Dangerous material" is any substance or combination of substances that is capable of causing bodily harm or property loss unless neutralized, consumed or otherwise disposed of in a safe and controlled manner.

"Delegated authority" means any of the following:

1. A county, city, town, air pollution control district, or fire district that has been delegated authority to issue open burning permits by the Director under A.R.S. §49-501(E); or
2. A private fire protection service provider that has been assigned authority to issue open burning permits by one of the authorities listed in the preceding subsection of this definition~~(a)~~.

"De Minimis amount" is the lesser of: the potential of a source to emit 1 ton per year of any air pollutant; or the potential of a source to emit 5.5 lbs/day of any air pollutant.

"Director" means the Director of the Department of Environmental Quality, or his/her designee.

"Effective date of Permit" is the actual date that open burning operations may commence, which will be no later than

~~3-10~~ days after the "Date of Issuance."

"Emission reduction techniques" are techniques for controlling emissions from open outdoor fires to minimize the amount of emissions output per unit ~~or of~~ area burned.

"Household waste" means any solid waste including garbage, rubbish and sanitary waste from septic tanks that is generated from households including single and multiple family residences, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas, not including construction debris, landscaping rubble or demolition debris.

"Open outdoor fire", as used in this rule, means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. "Flue", as used in this rule, means any duct or passage for air, gases or the like, such as a stack or chimney. Open outdoor fires can include agricultural, residential, commercial, and prescribed burning. Purposes for fires can include prevention of a fire hazard, instruction in the methods of fighting fires, watershed rehabilitation, disease and pest prevention.

"Prescribed burning" means the burning of vegetative material in predominantly undeveloped land to improve forested, open range or watershed condition.

"Prohibited materials" means nonpaper garbage from the processing, storage, service, or consumption of food; chemically treated wood; tires; explosives or ammunition; oleanders; asphalt shingles; tar paper; plastic and rubber products, including bottles for household chemicals; plastic grocery and retail bags; waste petroleum products; such as waste crankcase oil, transmission oil and oil filters; transformer oils; asbestos; batteries; anti-freeze; aerosol spray cans; electrical wire insulation; thermal insulation; polyester products; hazardous waste products such as paints, pesticides, cleaners, and solvents, stains and varnishes and other flammable liquids; plastic pesticide bags and containers; and hazardous material containers including those that contained lead, cadmium, mercury, or arsenic compounds.

"Residential burning" means open burning of vegetative materials that is generated only from that property and conducted by or for the occupants of residential dwellings, but does not include the burning of household waste or prohibited materials.

~~C.~~ The following fires are excepted from the provisions of this rule:

- ~~1. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes or the branding of animals. A Recreational purpose fire is an outdoor fire, which burns material other than household waste or prohibited materials. The fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet (914 millimeters) or less in diameter and 2 feet (710 millimeters) or less in height for religious (sweat lodges), ceremonial (flag burning), cooking, or warmth.~~
- ~~2. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.~~
- ~~3. Fires set by or permitted by the state entomologist or county agricultural agents of the county for the purpose of disease and pest prevention.~~
- ~~4. Fires set by or permitted by the federal government or any of its departments, agencies or agents.~~
- ~~5. Fires set by or permitted by the state or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.~~

~~D.~~ Required notifications:

~~Permission for the setting of any fire given by a public officer in the performance of official duty under paragraphs (2), (3), or (5) of subsection (C) shall be given in writing, and a copy of such written permission shall be transmitted immediately to the Director of the Department of Environmental Quality and to the Control Officer. The setting of any such fire shall be conducted in a manner and at such time as approved by the Control Officer, unless doing so would defeat the purpose of the exemption.~~

~~E-C.~~ Permit-authorized fires.

Provided a permit is first obtained from the Control Officer, no prohibited wastes or household wastes are burned unless otherwise specified, and a site map of the burn site is provided, the following fires are allowed under this Section:

1. Permitted residential fires:
  - a. Generally Allowable Combustible Materials: Residential fires set for the disposal of leaves, lawn clippings, tree trimmings and other horticultural waste, provided that no materials that generate toxic fumes, such as

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

oleander leaves or branches, may be burned. Residential burning must be conducted on a single contiguous property designed for and used exclusively as a private residence.

b. Conditional Approval to Burn Domestic Household Waste

Fires set in an approved waste burner for the disposal of those portions of domestic household waste generated at a private residence, ~~when the waste is generated from that property~~. Such fires are allowed:

i. On ~~on~~ farms and ranches of 40 acres or more where no refuse collection and disposal service is available; or

ii. For ~~or fires set for~~ household waste generated on-site, where no household waste collection and disposal service is available, and where the nearest other dwelling unit is at least 500 feet away.

Unless a permit is specifically endorsed by the Control Officer to verify that waste pickup service is not available, and to expressly allow burning of domestic household waste, burning of such waste is **PROHIBITED**.

c. Small Scale Residential Permit: Under a "small scale" residential open burning permit, the quantity of material that may be burned during the one-month permit shall not exceed 10 cubic yards of non-compacted material. A "small scale" residential permit may be renewed on a month-to-month basis, without limitation.

d. Large Scale Residential permit: Under a "large scale" residential open burning permit, the quantity of material that may be burned during the one-month permit term shall not exceed 20 cubic yards of non-compacted material. A "large scale" residential permit may only be issued for a single location, defined by an assessor's parcel number, twice in a calendar year.

e. ~~Other Residential Fires: Residential fires involving volumes of material or frequencies beyond that specified in subsection (E)(1) shall be presumed to have a potential to emit air pollutants in excess of the "de minimis amount," and shall require a Class II permit in accordance with the provisions in §3-1-040.B.2.~~  
i.

2. Permitted commercial fires:

a. Generally Allowable Combustible Materials: Commercial Fires may be set for the disposal of leaves, lawn clippings, tree trimmings and other horticultural waste, provided that no materials that generate toxic fumes, such as oleander leaves or branches, may be burned. Commercial burning must be conducted on a single contiguous property designed for and used exclusively as a single business.

b. Small Scale Commercial Permit: Under a "small scale" commercial open burning permit, the quantity of material that may be burned during the one-month permit term shall not exceed 10 cubic yards of non-compacted material. A "small scale" commercial permit may be renewed on a month-to-month basis, without limitation.

c. Large Scale Commercial Permit: Under "large scale" commercial open burning permit, the quantity of material that may be burned during the one-month permit term shall not exceed 20 cubic yards of non-compacted material. A "large scale" commercial permit may only be issued for a single location, defined by assessor's parcel number, twice in a calendar year.

d. Commercial Land Clearing Permit:

1. Open burning activities which include one-time land-clearing operations that involve non-compacted vegetative materials greater than those allowed above in section 2.a. through 2.c.

2. ~~and Land~~ clearing burns may be authorized by written permission from the Control Officer ~~is if~~ the burning will not adversely affect public health or safety, and will not cause or contribute to a nuisance, traffic hazard, or ~~a~~ to a violation of any air quality standard.

(a) The applicant shall submit a non-refundable application fee, as specified in Appendix C.

(b) The applicant shall also pay an additional non-refundable per-acre fee, as also specified in Appendix C.

~~iii.3.~~ Authorization for the land clearing burn may be revoked by the Control Officer if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

~~iv.4.~~ If the permittee wishes to use an air curtain destructor for land clearing, such device should be operated pursuant to the manufacturer's specifications and the following limitations:

(a) Air curtain destructors shall not be operated closer than 500 feet from the nearest dwelling.

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

(b) Air curtain destructors must also comply with the applicable requirements of 40 C.F.R. Section 60.2245 to 60.2260.

e. ~~Other Commercial Fires:~~

~~Commercial fires involving volumes of material or frequencies beyond that specified in subsection 2. above shall be presumed to have a potential to emit air pollutants in excess of the "de minimis amount," and shall require a Class II permit in accordance with the provisions of §3-1-040.B.2.~~

3. Permitted agricultural fires:

a. Fires set for weed control or abatement, clearing fields or ditches of vegetation, or the disposal of other naturally grown products of horticulture, provided that no materials that generate toxic fumes, such as oleander leaves or branches, may be burned.

4. Permitted training exercise fires (non-governmental agencies/companies):

Fires set for the instruction of fire fighting methods.

5. Permitted building-demolition, or building-material demolition, fires:

Fires set for the disposal of abandoned buildings or building materials, provided that no such permit shall be issued until after an on-site inspection by the District. Building demolition burns may be authorized by written permission from the Control Officer if there is no practical alternative, and if the burning will not adversely affect public health or safety, and will not cause or contribute to a nuisance, traffic hazard, or to a violation of any air quality standard.

(a) The applicant shall submit a non-refundable pre-permit inspection fee, as specified in Appendix C.

(b) The applicant shall pay an additional permit issuance fee, as also specified in Appendix C.

6. Permitted fires for the destruction of dangerous materials:

Fires set for the destruction of dangerous or hazardous materials are allowed when the materials are too dangerous to store and transport, provided that no such permit shall be issued until after an on-site inspection by the District. Fires set for the destruction of dangerous materials shall only be allowed where there is no safe alternative method of disposal, and when the burning of such materials does not result in the emission of hazardous or toxic substances either directly or as a product of combustion in amounts that will endanger health or safety.

(a) The applicant shall submit a non-refundable pre-permit inspection fee, as specified in Appendix C.

(b) The applicant shall pay an additional permit issuance fee, as also specified in Appendix C.

~~7. Unless specifically authorized under the preceding definitions of permit authorized fires, fires set for the disposal of materials shall be presumed to have a potential to emit greater than "de minimis amounts" of regulated air pollutants and shall require a Class II permit as specified under §3-1-040.B.2.~~

~~8-7.~~ Bonfire Permits:

Provided no prohibited materials or household wastes, as defined in §3-8-700.B., are burned: a city, town, county statutory districts, or other political subdivision established by statute may obtain a no-cost bonfire permit for a community or civic event.

a. A written request from the public entity is required.

b. The quantity of material that may be burned during the permit term shall not exceed 20 cubic yards of non-contacted material.

F.D. Permit conditions.

All permits shall include the following:

1. Contact Information

A means of contacting the permittee.

2. Permit term

The term of the temporary open burning permit, which shall:

a. For a residential or commercial permit, not exceed one month from the effective date;

b. For an agricultural permit, not exceed one year from the effective date;

c. For a demolition permit or a destruction of hazardous materials permit, not exceed sixty (60) days from the effective date;

d. Not, regardless of term, authorize any violation of any burning ban that a local fire department/district may impose for purposes of public safety or other purposes.

e. For a training exercise permit, not exceed a permit specified 7-day period from the effective date.

- f. For a commercial land clearing burn permit, not exceed sixty (60) days from the effective date, provided that the permittee may, upon application but without cost, be allowed one sixty (60) day extension of such a land clearing permit.
- g. For a bonfire, not exceed a 3-day period, which dates shall be specified in the permit.
- h. No person affected by a "no burn" restriction or permit suspension shall be entitled to an extension of the burn permit term.
- 4-3. Permits subject to suspension orders.

All permits shall ~~contain conditions limiting the manner and the time of the setting of such fires as specified in the and shall contain a provision note~~ that all burning be extinguished at the discretion of the Control Officer or his authorized representative during periods of inadequate atmospheric smoke dispersion, ~~including: periods of excessive visibility impairment which could adversely affect public safety, or periods when smoke is blown into populated areas so as to create a public nuisance.~~

  - a. When an air stagnation advisory is issued by the Director of ADEQ or the National Weather Service;
  - b. When an air pollution emergency episode alert, warning, or emergency as required by §§2-7-230 to 2-7-720 is declared;
  - c. During periods of excessive visibility impairment which could adversely affect public safety or impair visibility in Class I areas; or
  - d. During periods of extreme fire danger, or during periods when smoke is blown into populated areas so as to create ~~or threaten to create~~ a public nuisance.
- 4. Emission Reduction Techniques

The permit applicant shall note on the permit application/permit form the types of emission reduction techniques that the permittee will use to minimize fire emissions.
- 2-5. Burn Management Provisions

All permits shall also contain the following conditions:

  - a. Materials that may be burned.
  - ~~a-b.~~ Allowable burn times are:
    - 8:00 a.m. to 4:00 p.m. April 1 through September 30
    - 9:00 a.m. to 4:30 p.m. October 1 through March 31
  - ~~b-c.~~ Wind speed while burning shall not be less than 5 miles per hour (mph) or greater than 15 mph. If the wind increases during burning, all fires/smoke must be extinguished completely until the wind speed is again in the range of 5 mph to 15 mph.
  - ~~e-d.~~ The fire must be constantly attended, with reasonable control tools (water or dirt) on hand at all times, and the person conducting the burn must have a copy of the burn permit on-site during open burning.
  - ~~d-e.~~ When the burn is completed, the fire must be completely extinguished. All burning must cease by the times noted above.
  - ~~e-f.~~ A requirement that each open burn be started using items that do not cause the production of black smoke.
  - ~~f-g.~~ A requirement that the burning pit, burning pile, or approved waste burner be at least ~~500-50~~ feet from the nearest other dwelling unit.
  - ~~f-h.~~ The person conducting the open burning must notify the local fire-fighting agency, fire district or municipal fire department, or if none in existence, the state forester, prior to commencement of open burning.
  - ~~h-i.~~ Open burning shall be conducted only during atmospheric conditions which:
    - i. Prevent dispersion of smoke into populated areas;
    - ii. Prevent visibility impairment on traveled roads or at airports that result in a safety hazard;
    - iii. Do not create a public nuisance or adversely affect public safety;
    - iv. Do not cause any adverse impact to visibility in a Class I area; and
    - v. Do not cause uncontrollable spreading of the fire.
  - j. The permittee shall not conduct open burning when:
    - i. The National Weather Service has issued an air stagnation advisory for the affected area;
    - ii. During periods when smoke can be expected to accumulate to the extent that it will significantly impair visibility in Class I areas; or

iii. When any stage air pollution episode is declared under Code §§2-7-230 to 2-7-720.

~~i-k.~~ The permit shall include a copy of the activities prohibited and the criminal penalties for reckless burning included in A.R.S. §13-1706.

~~G-E.~~ Permit Reporting Requirements

The following information shall be provided to the ~~PCAQCD Director/~~Control Officer for each date open burning occurred, either on a daily basis on the day of the fire, or after the burn permit period ends, or in an annual report prior to April 1, ~~the PCAQCD Director/Control Officer or delegated authority.~~ The report shall be submitted in a format provided by the Director or Control Officer and include:

~~i-1.~~ The date of the burn;

~~ii-2.~~ The type and quantity of fuel burned for each date open burning occurred;

~~iii-3.~~ The fire type, such as pile or windrow, for each date open burning occurred;

~~iv-4.~~ For each date open burning occurred, the legal location, to the nearest township, range and section; or latitude and longitude, to the nearest degree minute; or street address; or parcel number.

~~H-E.~~ Permissible delegation of authority

1. The Control Officer may delegate the authority for the issuance of allowable open burning permits to responsible delegated authorities as defined in §3-8-700.B. Anyone delegated the authority for issuance of open burning permits shall maintain a copy of all currently effective permits issued including a means of contacting the person authorized by the permit to set an open fire in the event that an order for extinguishing of open burning is issued. This includes a no burn restriction when monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded in Area A, as defined in A.R.S. 49-541, and Chapter 4, Article 3, 4-3-060.C of the Pinal County Air Quality Control District (PCAQCD) Code of Regulations.

~~G.~~ Open Burn Permit Suspensions

~~2-1.~~ A “no burn” restriction shall be imposed with respect to open burning regulated by Pinal County, whenever monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded. Such a “no burn” restriction applies to all burning regulated under this Code, even including burning by persons who may hold an otherwise valid open burning permit issued by Pinal County.

~~3-2.~~ That “no burn” restriction shall arise by operation of law whenever the Maricopa County Environmental Services or ADEQ declares such a “no burn” restriction in neighboring Maricopa County. ~~No person affected by such a “no burn” restriction shall be entitled to a refund of any monies paid for an open burning permit that may be suspended by virtue of imposition of such a “no burn” restriction or an extension of the burn permits time period.~~

~~I-H.~~ Violations

Failure to obtain a permit, or failure to comply with the conditions of a permit, shall be subject to civil and/or criminal penalties in any of the following statutes: A.R.S. §§13-1706, 49-502, 49-511, 49-512, 49-513, or 49-514.

~~J-I.~~ Limited scope of rule.

Nothing in this rule shall authorize or permit any practice, which is a violation of any statute, ordinance, rule or regulation.

**3-8-710. Permit provisions and administration**

A. Burn permit fees

1. Required fees

A fee shall be charged for a Temporary Open Burning permit according to the fee schedules found in Appendix C.

2. No Refunds

No person affected by a permit suspension or “no burn” restriction as allowed under these rules shall be entitled to a refund of any monies paid for an open burning permit.

B. Signature and acknowledgement

Every open burning permit shall be signed by the person obtaining the permit, and that signature shall constitute an acknowledgement that:

1. The person obtaining the permit bears responsibility for any failure to properly and adequately control any fire set pursuant to the permit;

2. The issuance by the Control Officer of a Temporary Open Burning Permit does not release the permittee from any of



*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

the requirements of a fire department/district having jurisdiction, and a permit so issued must be validated by said fire department/district to be effective. The permittee is solely responsible for complying with such fire department/district requirements or restrictions.

3. Even though burning may be separately restricted by a fire department/district, all fees paid are non-refundable, and burn permits will not be extended due to an open burning restriction.

4. Open burning at a time or in a manner contrary to the terms of the permit or an order from the Control Officer shall constitute ~~a pursuant to A.R.S. §49-501-I. and one or more violations as set forth in §3-8-700.~~

~~C. The District shall maintain a copy of all currently effective Temporary Open Burning Permits issued including a means of contacting the person authorized in the permit to set an open fire in the event that an order of extinguishing of open burning is issued. This includes a no burn restriction when monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded in Area A, as defined in A.R.S. Section 49-541.~~

~~1. A "no burn" restriction shall be imposed with respect to open burning regulated by Pinal County under A.R.S. §49-501, whenever monitoring or forecasting indicates the carbon monoxide standard is likely to be exceeded. Such a "no burn" restriction applies to all burning regulated under A.R.S. §49-501, even including burning by persons who may hold an otherwise valid open burning permit issued by Pinal County.~~

~~2. That "no burn" restriction shall arise by operation of law whenever the Maricopa County of Environmental Services declares such a "no burn" restriction in neighboring Maricopa County. No person affected by such a "no burn" restriction shall be entitled to a refund of any monies paid for an open burning permit that may be suspended by virtue of imposition of such a "no burn" restriction or an extension of the burn permit time period.~~

~~D. The term of a temporary open burning permit shall:~~

~~1. For a residential or commercial permit, not exceed one month from the date of issuance;~~

~~2. For an agricultural permit, not exceed one year from the date of issuance;~~

~~3. For a demolition permit or a destruction of hazardous materials permit, not exceed sixty (60) days;~~

~~4. Not, regardless of term, authorize any violation of any burning ban that a local fire department/district may impose for purposes of public safety or other purposes.~~

~~5. For a training exercise permit, not exceed a permit specified 3-day period.~~

~~6. For a commercial land clearing burn permit, not exceed one month from the date of issuance.~~

~~7. For a bonfire, not exceed a permit specified 3-day period.~~

~~E. For the purposes of this article, the following shall neither be regarded as nor deemed open burning:~~

~~1. The subterranean detonation of explosives.~~

~~2. The display of fireworks for recreational purposes or pyrotechnics for musical or cinematic/theatrical functions, provided any person detonating such fireworks or pyrotechnics has a permit by the Pinal County Board of Supervisors.~~

~~F.C. Storage of materials prone to spontaneous combustion~~

~~Outdoor disposal or deposition of any non-agricultural materials (100 cubic yards or greater) capable of igniting spontaneously, with the exception of fossil fuels (coal), shall not be allowed, without providing adequate fire-fighting materials, such as sand, dirt, or water.~~

**4-2-040. Standards**

A. No person shall cause, suffer, allow, or permit a building or its appurtenances, subdivision site, driveway, parking area, vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, or fill dirt to be deposited, without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

B. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, such as but not limited to all-terrain vehicles, trucks, cars, cycles, bikes, or buggies, without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

C. No person shall cause, suffer, allow or permit the performance of agricultural practices including but not limited to tilling of land and application of fertilizers without taking reasonable precautions to prevent particulate matter from becoming airborne.

D. No person shall disturb or remove soil or natural cover from any area without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

E. No person shall crush, screen, handle or convey materials or cause, suffer, allow or permit material to be stacked, piled or

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

otherwise stored without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.

- F. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne. Other reasonable precautions shall be taken, as necessary, to effectively prevent fugitive dust from becoming airborne.
- G. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to fugitive dust without taking reasonable precautions to prevent fugitive dust from becoming airborne. Earth and other material that is tracked out or transported by trucking and earth moving equipment on paved streets shall be removed by the party or person responsible for such deposits. Removal of earth from paved streets shall not violate the visibility standard in Chapter 2.
- H. No person shall operate, maintain, use or permit the use of any commercial feedlot or commercial livestock area for purposes of feeding or displaying animals, or engage in other activity such as racing and exercising, without taking reasonable precautions to effectively prevent fugitive dust from becoming airborne.
- I. No person shall cause, suffer, allow, or permit the use, repair, construction or reconstruction of any road or alley without taking every reasonable precaution to effectively prevent fugitive dust from becoming airborne.
- J. No person shall operate a motor vehicle for recreational purposes in a dry wash, riverbed or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel or business premises. For purposes of this subsection "motor vehicles" shall include, but not be limited to trucks, cars, cycles, bikes, buggies and 3-wheelers. Any person who violates the provisions of this subsection shall be subject to prosecution under A.R.S. §49-513.
- K. No person shall cause, suffer, allow, or permit construction of mineral tailing piles without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. For purposes of controlling emissions from mineral tailings piles, reasonable precautions shall mean wetting, chemical stabilization, revegetation or such other measures as may be approved by the Control Officer.

**4-2-050. Monitoring and records**

- A. ~~The adequacy of the precautions set forth in Sources subject to §4-2-040. shall be determined by reference also be subject to the visible opacity limitations in Chapter 2, Article 8. Opacity observations shall not be made or additional preventive measures required when the wind speed instantaneously exceeds 25 mph or when the average wind speed is greater than 15 mph.~~
- B. Opacity observations for visible emissions of fugitive dust shall be conducted in accordance with techniques specified in Reference Method 9 in the Arizona Testing Manual for Air Pollutant Emissions.
- C. ~~The average wind speed determination shall be on a 60 minute average from the nearest Air Quality Control District monitoring station or by a wind instrument located at the site being checked.~~

**4-3-070. Definitions**

See Article 3 (General Provisions and Definitions) of this code for definitions of terms that are used but not specifically defined in this rule.

- 1. "Affected Area" as used in this rule, means a job or construction site which is greater than 0.1 acres and where affected activities associated with land development disturb the surface of the earth in Pinal County.
- 2. ~~"Affected Activities" as used in this rule includes land stripping, earthmoving, blasting, trenching, road construction, grading, landscaping, stockpiling excavated materials, storing excavated materials, loading excavated materials, or any other activity associated with land development which results in a disturbed surface area or dust generating operations, shall all constitute "affected activities," if the area to be disturbed is greater than 0.1 acre.~~
- 3. ~~"Affected parties" as used in this rule is the land owner, general contractor or subcontractor.~~
- 4.2. "Bulk material" as used in this rule, means any material including but not limited to earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter, dirt, mud, demolition debris, trash, cinders, pumice, saw dust, and dry concrete, which are capable of producing fugitive dust at an industrial, institutional, commercial, governmental, construction and/or demolition site.
- 5.3. "Bulk material handling, storage and/or transporting operation" as used in this rule, means the use of equipment, haul trucks, and/or motor vehicles, such as but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, which are capable of producing fugitive dust at an indus-

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

trial, institutional, commercial, governmental, construction, and/or demolition site.

~~6.4.~~ “Carry-out/trackout” as used in this rule means, any and all bulk materials that adhere to and agglomerate on the exterior surface of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen onto a paved roadway.

~~7.5.~~ “Control measure” as used in this rule means, a preemptive or concurrent technique, practice, or procedure used to minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures include the following:

Control Measure	Description
a. Watering (pre-wetting)	Application of water by means of trucks, hoses, and/or sprinklers prior to conducting any land clearing. This will increase the moisture content of the soils and increase stability of the soil.
b. Watering (operational control)	In active earth-moving areas water should be applied at sufficient intervals and quantity to prevent visible emissions from extending more than 100 feet from the site's boundaries, as noted on the plot plan.
c. Watering (site stabilization)	Wind erosion control for inactive sites where there is no activity for seven (7) days or more.
d. Chemical stabilizers/dust suppressants	Effective in areas which are not subject to daily disturbances. Vendors can supply information on application methods and concentrations.
e. Wind barriers	Three to five-foot barriers (with 50% or less porosity), berms or equipment located adjacent to roadways or urban areas to reduce the amount of windblown material that leaves the site. Wind barriers must be implemented with watering or dust suppressants.
f. Cover haul vehicles	Entire surface area of hauled bulk materials should be covered with an anchored tarp, plastic or other material when the cargo container is empty or full.
g. Reduce speed limits	15 miles per hour maximum.
h. Gravel pad	A layer of washed gravel, rock, or crushed rock which is at least one inch or larger in diameter, maintained at the point of the intersection of a paved public roadway and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles, and/or haul trucks, prior to leaving the work site.
i. Grizzly	A device (i.e. rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

j. Wind sheltering	Enclose storage piles in silos or protected three sided barriers equal to bulk material height; line work site boundaries adjacent to roadways or urban areas with wind barriers.
k. Altering load-in/load-out procedures	Confine load-in-load out procedures to downwind side of the material and mist material with water prior to loading. Empty loader slowly and keep bucket close to the truck while dumping.
l. Other measures as proposed by registrant	Specific measures that are adequate to address nuisance issues at the earth moving activity site.

~~8-6.~~ “Disturbed Surface Area” as used in this rule, means any portion of the earth's surface that has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition, thereby increasing the potential for emission of fugitive dust.

a. For trenches that are less than four feet in depth, it is assumed that a six (6) foot wide path of surface material will be disturbed as the trench is dug. Once the trench exceeds a length of 726 feet, 0.1 acres of surface area has been disturbed. For trenches that are four feet or greater in depth, it is assumed that a twelve (12) foot wide path of surface material will be disturbed as the trench is dug. once the trench exceeds a length of 363 feet, 0.1 acres of surface area has been disturbed. If the registrant identifies situations in which the amount of surface area should be calculated differently, a case-by-case determination would be made.

b. For calculations of disturbed surface areas for land clearing or earthmoving activities, 25 feet will be added to each dimension of all structures, driveways, concrete pads, and other construction projects being built on the site to allow for an equipment utilization zone. If this final figures exceeds 4,356 square feet, a dust registration is required for the site.

~~9-7.~~ “Dust generating operation” as used in this rule, means any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and/or playing on a ballfield shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, nor any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.

~~10-8.~~ “Dust suppressant” as used in this rule, means water, hygroscopic material, solution of water and chemical surfactant foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited by the U.S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ), or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.

~~11-9.~~ “Earthmoving activity” as used in this rule, means any land stripping, earthmoving, blasting, trenching, road construction, grading, landscaping, stockpiling excavated materials, storing excavated materials, loading excavated materials, or any other activity associated with land development ~~show where the~~ objective is to disturb the surface of the earth, which shall all constitute “affected activities” if the job site is greater than 0.1 acre. (See 4.3.600.A.4 - General Provisions)

~~12-10.~~ “Earthmoving operation” as used in this rule, means the use of any equipment for an activity which may generate fugitive dust, such as but not limited to cutting and filling, grading, leveling, excavating, trenching, loading or unloading bulk material, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.

~~13-11.~~ “Freeboard” as used in this rule, means the vertical distance between the top edge of a cargo container and the highest point at which the bulk material contacts the sides, front, and back of the container.

~~14-12.~~ “Fugitive dust” as used in this rule, means the regulated particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soils, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers.

- ~~15-13.~~ “Gravel pad” as used in this rule, means a layer of washed gravel, rock, or crushed rock which is at least one inch or larger in diameter, maintained at the point of intersection of a paved public roadway and a work site or source entrance to dislodge mud, dirt, and/or debris from the tire of the motor vehicles or haul trucks prior to leaving the work site.
- ~~16-14.~~ “Grizzly” as used in this rule, means a device maintained at the point of intersection of a paved public roadway and a work site or source entrance to dislodge mud, dirt and/or debris from the tires of the motor vehicles or haul trucks prior to leaving the work site.
- ~~17-15.~~ “Haul truck” as used in this rule, is any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as but not limited to, trailers or other conveyances, which are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.
- ~~18-16.~~ “Motor vehicle” as used in this rule, is a self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers and other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
- ~~19-17.~~ “Nuisance” as used in this rule, means to discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are to may tend to be injurious or to adversely affect human health or welfare, animal life, vegetables, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.
- ~~20-18.~~ “Off-road vehicle” as used in this rule, is any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.
- ~~21-19.~~ “Opacity” as used in this rule, means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.
- ~~22-20.~~ “Owner, general contractor, and/or subcontractor” as used in this rule, is any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.
- ~~23-21.~~ “Public roadway” as used in this rule, means any roadways that are open to public travel.
- ~~24-22.~~ “Road Construction” as used in this rule, means the use of any equipment for the paving or new construction of a road surface, street or highway.
- ~~25-23.~~ “Road Maintenance” as used in this rule, means the use of any equipment for the repair and preservation of an old road surface, street or highway.
- ~~26-24.~~ “Sensitive area” as used in this rule, means a neighborhood with man-made structures utilized for human residence or business.
- ~~27-25.~~ “Source” as used in this rule, mans the construction site which is under common control or ownership, and all fixed or moveable objects on such site, which is a potential point of origin of fugitive dust.
- ~~28-26.~~ “Stockpile” as used in this rule, is an open accumulation of bulk material with a 5% or greater silt content which in any one point attains a quantity greater than 10 cubic yards and is located on a disturbed surface area that is greater than 0.1 acres. Silt content shall be assumed to be 5% or greater unless the affected party can show, by testing in accordance with ASTM method C136-96a or other equivalent method approved in writing by the Control Officer and the EPA Administrator, that the silt content is less than 5%.
- ~~29-27.~~ “Trackout control device” as used in this rule, means a gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved roadway, that controls or prevents vehicular trackout.
- ~~30-28.~~ “Traffic hazard” as used in this rule, means a discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials, which cause or have a tendency to cause interference with normal road use.
- ~~31-29.~~ “Trench” as used in this rule, mans a long, narrow excavation dug in the earth (as for drainage).
- ~~32-30.~~ “Unpaved haul/access road” as used in this rule, means any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

- ~~33-31.~~ “Unpaved parking lot” as used in this rule, means any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles.
- ~~34-32.~~ “Unpaved road” as used in this rule, means any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.
- ~~35-33.~~ “Visible emissions” as used in this rule, means any emissions which are visually detectable without the aid of instruments and which contain particulate matter.
- ~~36-34.~~ “Visibility impairment” as used in this rule, means any humanly perceptible change in visibility from that which would have existed under natural conditions.
- ~~37-35.~~ “Wind barrier” as used in this rule, means any structure put up along a source's boundaries to reduce the amount of wind blown dust leaving the site. Creating a wind barrier includes but is not limited to installing wind fencing, construction of berms, or parking on-site equipment so that it blocks the wind.
- ~~38-36.~~ “Wind-blown dust” as used in this rule, means visible emissions from any disturbed surface area, which are generated by wind action alone.
- ~~39-37.~~ “Wind event” as used in this rule, means when the 60-minute average time and wind speed is greater or equal to 20 miles per hour, or such other wind speed/duration exemption threshold as may apply under Pinal County's Natural Events Action Plan (NEAP) dated November 25, 1997:
1. An 8-hour average wind speed in excess of 20 miles per hour (m.p.h.)
  2. A 1-1/2 hour average wind speed in excess of 22 m.p.h.
  3. A 1-hour average wind speed in excess of 25 m.p.h.
  4. A 15 minute average wind speed in excess of 30 m.p.h.
- ~~40-38.~~ “Wind fencing” as used in this rule, means a 3 to 5 foot barrier with 50% or less porosity located adjacent to roadways or urban areas.
- ~~41-39.~~ “Work site” as used in this rule, means any property upon which dust generating operations and/or earthmoving operations occur.
- ~~42-40.~~ “Work practices” as used in this rule, means a technique or operational procedure used to minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Work practices include the following:

Specific Activity	Work Practice
Bulk Material Hauling off-site onto paved public roadway	1. Load all trucks such that the freeboard is not less than three inches; and prevent spillage or loss of bulk material from holes or other openings in the conveyance; cover all haul trucks (empty or full) with a tarp or other suitable anchored material.
Bulk material hauling on-site (within work site)	2. Limit the vehicle speed to less than 15 mph; or apply water to the top of the load; or cover the hauled material.
Spillage, carry-out, erosion, and/or trackout	3. Install a suitable trackout control device from all work sites with a disturbed area of 5 acres or more and from all work sites where 100 cubic yards of bulk materials are hauled on/or off site per day.
Cleanup spillage, carry-out, erosion and/or trackout on the following schedule:	4. Immediately, when spillage, carry-out, and/or track-out extend a cumulative distance of 50 linear feet or more; or at the end of the work day.
Unpaved easements, right-of-way, and access roads	5. Inside PM <sub>10</sub> nonattainment area, restrict vehicular speeds to 15 miles per hour.

*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

Open storage piles	6. During stacking, loading and unloading operations, apply water as necessary and/or construct and maintain wind barriers, storage silos, or a three-sided enclosure to surround pile and whose height is equal to the pile.
Weed abatement by discing or blading	7. Apply water before and during weed abatement.
Other work activities as provided by the registrant	8. Specific work practices that are adequate to address nuisance issues at the earth moving activity site.

**4-3-080. Registration Requirements**

Prior to engaging in affected activities on a job site, at least one affected party shall file a registration form with the Control Officer, pay the appropriate fee, and receive a registration notice from the Control Officer.

1. Registration Form:
  - a. The applicant shall present a registration on a form approved by the Control Officer, and shall include all essential identification information as specified on that form. A separate registration form is required for each site location not contiguous to the location on the original registration form, unless an annual block registration is approved.
  - b. Each registration shall also include a plot plan with linear dimensions in feet. The plot plan must be on 8-1/2 by 11 inch paper, and may be on one or more sheets. The plan should identify the parcel, the street address, the direction north, the total area to be disturbed and indicates the sources of fugitive dust emission on the plot plan (delivery, transport and storage areas).
  - c. Using the options on the registration form or in the applicant's own words, each registration application shall contain an explanation of how the applicant will demonstrate compliance with this rule, by demonstrating after-the-fact that the control measures and work practices proposed in the registration were in fact utilized on the project. A demonstration of compliance would typically include a daily written log at the work site, or the maintenance of invoices and/or payments reflecting the cost of control measures.
  - d. Annual Block Registration: The land owner, contractor, or subcontractor operating on the job site may submit to the Control Officer one Earthmoving Registration application for more than one earthmoving operation at which construction will commence within 12 months of registration issuance. The earthmoving operations must consist of routine operations: the expansion or extension of utilities, paved roads, unpaved roads, road shoulders, and/or alleys, and public right-of-ways at non-contiguous sites.
    - i. An annual block registration must include all the requirements listed above in this subsection (1 a. through 1 c.) and a description of each site and type of earthmoving activity to be conducted.
    - ii. For any project not listed in the Earthmoving Annual Block Registration Application, the applicant must notify the Control Officer in writing at least three working days prior to commencing the earthmoving activity. Such notification must include the site location, size, and type of earthmoving activity, and start date.
  - e. Registration Renewal: The first registration obtained for an affected project must cover a contiguous area (unless it is an "annual block registration") and it is valid for one year from the date of issue. If the project has not been ~~completed~~ completed at the end of the one-year period, the dust registration must be renewed. Upon renewal, the total acreage covered by the dust registration does not have to be contiguous, although all acreage covered by the renewed dust registration must have been included in the original dust registration.
2. Registration acknowledgment:
  - a. The registration acknowledgment from the control officer will contain the universal performance standard and conditions regarding the necessary control measures and work practices specific to the applicable project as proposed by the registrant.

- b. The registration acknowledgment shall contain a provision that all registrants keep records documenting the actual application or implementation of the control measures delineated in the registration application for at least 30 days following the termination of the registration acknowledgment.
- c. The registration acknowledgment shall be valid for a period of not more than one year from the date of issue, and may be renewed by providing the Control Officer a new registration application and payment of the appropriate fee.
- d. Registrants shall notify the Control Officer within five working days of the start and completion of the project.
- e. At all sites that are five acres or larger, registrants shall erect a project information sign at the main entrance that is visible to the public or at each end of the road construction project site. The sign shall be a minimum of 24 inches tall by 30 inches wide, have a white background, and have the words "DUST CONTROL" shown in black block lettering which is at least four inches high, and shall contain the following information in legible fashion"
  - i. Project Name
  - ii. Name and phone number of person(s) responsible for conducting project
  - iii. Text stating: "Dust Complaints? Call Pinal County Air Quality Control District at (520) 866-6929."

~~4-3-080~~ **4-3-090. Universal Performance Standard**

- 1. Within the affected area, a landowner or contractor shall not conduct or allow dust generating operations:
  - a. in a manner such that an unreasonable amount of dust is blown into sensitive areas so as to create a public nuisance;
  - b. in a manner such that opacity of the dust leaving the property exceeds twenty percent (20%) or greater as measured using Test Method 9 (40 CFR 60, Appendix A) or an equivalent test method approved by the Control Officer and the EPA Administrator;
  - c. in a manner that will produce visibility impairment that could threaten public safety.
- 2. Failure to comply with these requirements shall presumptively constitute cause for the Control Officer or his authorized representative to order a halt to the offending activity. Failure by an owner, contractor or facility operator to respond to such an order from the Control Officer shall constitute a violation of this rule.
- 3. Violations: Generally any land owner, contractor, or subcontractor operating on the job site, who violates any Pinal County Air Quality Control District rule ~~any may~~ be subject to an order of abatement, a civil action for injunctive relief or civil penalties, or may be found guilty of a Class I Misdemeanor.
- 4. Violation Exemptions:
  - a. Wind Event: exceedances of the opacity limit that occur due to a wind event shall be exempted from enforcement action if the owner/general contractor demonstrates all of the following conditions:
    - i. All control measures required in the registration acknowledgment were followed and one or more of the work practices were applied and maintained;
    - ii. The 20% opacity exceedance could not have been prevented by better application, implementation, operation or maintenance of the control measures;
    - iii. The occurrence of a wind event on the day(s) in question is documented by records of the Pinal County Air Quality Control District monitoring station in the affected area, from any other certified meteorological station, or by a wind instrument that is calibrated to the manufacturer's standards and that is located at the site being investigated.
  - b. No opacity violation shall apply to emergency maintenance of flood control channels and water retention basins, provided that control measures were being implemented.
- 5. Limited scope of rule

Nothing in this rule shall authorize or permit any practice which is in violation of any statute, ordinance, rule or regulation.

**8-1-060. Special inspection warrant**

- A. The Control Officer and his deputies charged under this chapter with powers or duties involving inspection of real or personal property including buildings, building premises and building contents for the purpose of air pollution control shall be authorized to present themselves before a magistrate and apply for, obtain and execute special inspection warrants.



*Arizona Administrative Register / Secretary of State*  
**County Notices Pursuant to A.R.S. § 49-112**

---

Such inspections shall be limited to property other than the interior of structures used as private residences.

- B. Upon showing by the affidavit of the Control Officer or his deputies that consent to entry for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate for inspection of public or private, real or personal properties. Such warrants shall not be necessary in the case of an emergency where there is an imminent and substantial endangerment to the health of persons.
- C. The warrant shall be in substantially the following form:

“County of Pinal, state of Arizona to any Control Officer or Deputy Control Officer in the county of proof by affidavit having been this day made before me by (person or persons whose affidavit has been taken) that in and upon certain premises in the (city, town or county) of \_\_\_\_\_ and more particularly described as follows: (describe the premises with reasonable particularity) there now exists a reasonable governmental interest to determine if said premises comply with (section \_\_\_\_\_ of the Arizona Revised Statutes) or (section \_\_\_\_\_ of the PCAQCD Regulations), you are therefore commanded in the day time (or during reasonable business hours), to make an inspection of said premises as soon as practicable.

Date, signature and title of office.”

The endorsement on the warrant shall be in substantially the following form:

“Received by me \_\_\_\_\_, ~~19~~ 20, at \_\_\_\_ o'clock \_\_\_\_\_ (name of Control Officer or Deputy Control Officer).”

The return of officer shall be in substantially the following form:

“I hereby certify that by virtue of the within warrant I searched the named premises and found the following things (describe findings).

Dated this \_\_\_\_ day of \_\_\_\_\_, ~~19~~ 20

(name of Control Officer or Deputy Control Officer).”

- D. The warrant may be served by the Control Officer or his deputies mentioned in its directions, but by no other person except in aid of the Control Officer or his deputies, on his requiring it, the Control Officer or his deputies being present and acting in its execution.
- E. A warrant shall be executed and returned to the magistrate who issued it within ten days after its date. After the expiration of that time, the warrant shall unless executed be void.
- F. Any person who knowingly refuses to permit an inspection lawfully authorized by warrant issued pursuant to this Code is guilty of a petty offense.

**APPENDIX B. FEES RELATED TO INDIVIDUAL PERMITS**

- A. Source Categories. The owner or operator of a source required to have an air quality permit from the Director shall pay the fees described in this appendix.
- B. Fees for Permit Actions. The owner or operator of a Class I Title V Source, Class II Title V Source, or Class II Non-Title V source shall pay to the Control Officer \$66 per hour, adjusted annually under §3-7-585, for all permit processing time required for a billable permit action (does not include permit transfers). Upon completion of permit processing activities but before the issuance or denial of the permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final bill. The maximum fee for a billable permit action for a qualifying general source seeking a Class II permit shall be \$500.00. The maximum fee for any other billable permit action for a non-title V source is \$25,000. Except as provided in §3-1-080, the Control Officer shall not issue a permit or permit revision until the final bill is paid.
- C. Class I Title V Fees. The owner or operator of a Class I Title V Source that has undergone initial startup by January 1, shall annually pay to the Control Officer and administrative fee plus an emissions-based fee as follows:
1. The applicable administrative fee from the table below, as adjusted annually under §3-7-585. The fee is due in accordance with §3-7-620.

Class I Title V Source Category	Administrative Fee
Aerospace	\$ 12,900
Cement Plants	\$ 39,500
Combustion/Boilers	\$ 9,600
Compressor Stations	\$ 7,900
Electronics	\$ 12,700
Expandable Foam	\$ 9,100
Foundries	\$ 12,100
Landfills	\$ 9,900
Lime Plants	\$ 37,000
Copper & Nickel Mines	\$ 9,300
Gold Mines	\$ 9,300
Mobile Home Manufacturing	\$ 9,200
Paper Mills	\$ 12,700
Paper Coaters	\$ 9,600
Petroleum Products Terminal Facilities	\$ 14,100
Polymeric Fabric Coaters	\$ 12,700
Reinforced Plastics	\$ 9,600
Semiconductor Fabrication	\$ 16,700

**Arizona Administrative Register / Secretary of State**  
**County Notices Pursuant to A.R.S. § 49-112**

Copper Smelters	\$ 39,500
Utilities - Natural Gas	\$ 10,200
Utilities - Fossil Fuel Except Natural Gas	\$ 20,200
Vitamin/Pharmaceutical Manufacturing	\$ 9,800
Wood Furniture	\$ 9,600
Others	\$ 9,900
Others with Continuous Emission Monitoring	\$ 12,700

2. An emissions-based fee of \$11.75 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year ending 12 months earlier. The fee is adjusted annually under §3-7-585, and due in accordance with §3-7-620.

- a. ~~For purposes of this section, "actual emissions" means the quantity of all regulated pollutants emitted during the calendar year, and determined by the annual emissions inventory under §3-1-103.~~
- b. ~~For purposes of this section, "regulated pollutants" consist of the following:~~
  - i. ~~Nitrogen oxides and any volatile organic compounds;~~
  - ii. ~~Conventional air pollutants, except carbon monoxide and ozone;~~
  - iii. ~~Any pollutant that is subject to any standard promulgated under Section 111 of the Act, including fluorides, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reducing sulfur compound; and~~
  - iv. ~~Any federally listed hazardous air pollutant.~~
- e. ~~For purposes of this Section, the following emissions of regulated pollutants are excluded from a source's actual emissions:~~
  - i. ~~Emissions of any regulated pollutant from the source in excess of 4,000 tons per year;~~
  - ii. ~~Emissions of any regulated pollutant already included in the actual emissions for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10;~~
  - iii. ~~Emissions from insignificant activities listed in the permit application for the source under §3-1-050.~~
  - iv. ~~Fugitive emissions of PM10 from activities other than crushing, belt transfers, screening, or stacking; and~~
  - v. ~~Fugitive emissions of VOC from solution extraction units.~~

D. Class II Title V Fees. The owner or operator of a Class II Title V Source that has undergone initial startup by January 1, shall pay the applicable administrative fee from the table below, adjusted under §3-7-585 and §3-7-578, and due in accordance with §3-7-620.

Class II Title V Source Category	Administrative Fee
Synthetic Minor Sources (except Portable Sources) at greater than 50% of Threshold Permit Allowable Emissions	Administrative Fee from Class I Title V Table for Category - C(1)
Stationary Sources not otherwise classified	\$ 5,000
Qualifying General Source as defined in §3-1-030(16a)	\$ 3,000
Small Source as defined in §3-1-030(20) (For example, perchloroethylene dry cleaners)	\$ 500

E. Class II Non-Title V Fees. The owner or operator of a Class II Non-Title V Source or authority to operate under a general permit that has undergone initial startup by January 1, shall pay the applicable administrative fee from the table below,

adjusted under §3-7-585 and §3-7-578, and due in accordance with §3-7-620.

Class II Non-Title V Source Category	Administrative Fee
Stationary Sources not otherwise classified	\$ 3,250
Cotton Gins with a permitted capacity of less than 20,000 bales per year	\$ 1,625
Portable Sources	\$ 3,250
Qualifying General Source as defined in §3-1-030(16a)	\$ 2,000
Crematories that qualify for an ADEQ General Permit	\$ 1,000
Gasoline Dispensing Operations that qualify for a ADEQ General Permit as defined in A.A.C. R18-2-501 through 511 (with at least 18 nozzles)	\$ 500
Spray Operations (Medium) <u>(See §3-1-030 for definition)</u>	\$ 1,600
Spray Operations (Small) <u>(See §3-1-030 for definition)</u>	\$ 400

- F. ~~Class II Non-Title V Fees or Minor Screening~~ Class III Sources. The owner or operator of a Class III “Minor Screening Source” shall pay the applicable administrative fee from the table below:

Class III Non-Title V or Minor Screening Source Category	Administrative Fee
Minor Screening Source <u>(See §3-1-030.B.3 and .4 for Class III applicability definitions; for example, typically including sources with PTE below significance levels such as auto body shops, solvent dry cleaners, and gasoline dispensing operations with less than 18 nozzles)</u>	\$ 250

- G. Fees Related to General Permits. The owner or operator of a source that applies for authority to operate under a general permit per A.A.C. R18-2-501 through 511, shall pay to the Control Officer \$500 with the submittal of the application. This fee also applies to the owner or operator of any source who intends to continue operating under the authority of a general permit that has been proposed for renewal.

**3. Where persons may obtain a full copy of the proposed rule or existing rules:**

Name: Pinal County Air Quality Control District  
 Address: P.O. Box 987 31 North Pinal St., Building F  
 Florence, Arizona 85232 Florence, Arizona  
 Telephone: (520) 866-6929  
 Fax: (520) 866-6967

*Note - the District has the proposed revisions, as well as supporting materials, available in hard-copy or on disk, and will endeavor to post these materials on the county's web site.*

**4. Date, time, and location of scheduled public workshops and hearings:**

**A. Oral Proceeding**

Date: October 4, 2004

Time: 2:00 p.m.

Location: Emergency Operations Center Hearing Room, Administration Building F, 31 North Pinal Street, Florence, Arizona

Nature of meeting: Oral proceeding before the Control Officer or his designee, in accord with A.R.S. §49-471.06(C) to consider public comments upon any or all of this proposal.